



The instant motion will be based upon this notice, the accompanying memorandum of points and authorities, the accompanying Appendix of Exhibits, the accompanying Statement of Uncontroverted Facts, the accompanying declarations, the files and records in this action, the arguments of counsel and such other matters as may be presented to the Court at the hearing on the motion.

The instant motion is being made following a good-faith conference of counsel on December 7, 2008.

Dated: December 11, 2006

J.T. POSEY COMPANY

By its attorneys,

/s/ Douglas H. Morseburg  
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**CERTIFICATE OF SERVICE**

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

December 11, 2006

/s/ Donald K. Piper  
Donald K. Piper